

REMARKS

The following remarks are provided in response to the Final Office Action dated August 29, 2003 in which the Examiner rejected claims 1-8, 10-18, 21-26, and 28-33 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,396,497 to Reichlen. The applicant respectfully requests reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully requests that the Examiner withdraw all rejections.

35 U.S.C. §102(e)

The Examiner rejected claims 1-8, 10-18, 21-26, and 28-33 under 35 U.S.C. §102(e) as being anticipated by Reichlen. For at least the foregoing reasons the applicant traverses the Examiner's rejection.

To establish a *prima facie* case of anticipation under 35 U.S.C. §102, the Examiner must supply a single prior art document that alone teaches "... every aspect of the claimed invention either explicitly or impliedly." (emphasis added) (See M.P.E.P. §706.02) If the Examiner cannot show that the single prior art document asserts each and every element and limitation of the applicants' claims, then the Examiner has failed to establish a *prima facie* case of anticipation for that claim. To overcome the Examiner's anticipation rejection, the applicant must only demonstrate that the cited prior art document fails to teach one element or limitation present in the claim.

The salient portion of currently amended independent claim 1 recites:

... a motion detection sensor to detect motion of the computing device in one or more of six (6) fields of motion and to generate a motion indication if an initial motion and a complementary motion exceed a motion threshold

(emphasis added)

Currently amended independent claim 18 is a storage medium claim and recites a similar limitation. Claim 26 is a method claim and recites a similar limitation.

The Examiner rejected claim 3, an element of which has been incorporated into currently amended independent claim 1, based on Reichlen, Figure 3, unit 60. Specifically, the Examiner noted that Figure 3, unit 60 discloses that the motion sensors require an initial motion and a complementary motion within certain ones of the fields of motion that exceed a motion threshold before an indication of motion is generated. The applicant respectfully disagrees. Figure 3, unit 60 is titled “Scan Line Generator” and is further described in column 7, line 14 bridging column 9 line 40. Column 9, lines 3-8 in particular disclose that “[t]he scan line generator 60 is part of the arbiter 58. A scan line is defined as thirty-six consecutive words . . . in the frame buffer. The scan line generator 60, under the direction of the graphics processor 54, is responsible for addressing the words in the frame buffer 42 which define a scan line,” (emphasis added).

The applicant respectfully asserts that Figure 3, unit 60, and the accompanying functional description of the “Scan Line Generator” in the specification fail to disclose a motion detection sensor to generate a motion indication if an initial motion and a complementary motion exceed a motion threshold. Accordingly, the applicant respectfully requests that the Examiner allow currently amended independent claims 1, 18, and 26. The applicant further requests that the examiner allow dependent claims 2-8, 10-17, 22-25, and 28-33 as each depends from a patentable independent claim.

CONCLUSION

For at least the foregoing reasons, the applicant submits that he has overcome the Examiner's rejections and that he has the right to claim the invention as set forth in the listed claims. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN, L.L.P.

2/17/04
Dated



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Committee on Patent, P.O. Box 42, Alexandria, VA 22313 on:

2/17/2004

Tamara Simpson
Name of Person Mailing Correspondence
Tamara Simpson 2/17/2004
Signature Date